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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT SEATTLE**

11 **DARCY JOHNSON,**) Case No.
12)
13 Plaintiff,) **COMPLAINT**
14)
15 vs.)
16)
17 **RAINIER COLLECTION) JURY TRIAL DEMANDED**
18 **SERVICES, INC.,**)
19)
20 Defendant.)

21 **I. NATURE OF ACTION**

22 1. This is an action for damages brought by an individual consumer for
23 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §
24 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington,
25 Chapter 19.16, both of which prohibit debt collectors from engaging in abusive,
26 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of
27 privacy by intrusion, ancillary to Defendant's collection efforts.

28 Complaint - 1

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II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Darcy Johnson, is a natural person residing in the State of Washington, County of King, and City of Millcreek.

4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

5. At all relevant times herein, Defendant, Rainier Collection Services, Inc., (“Defendant”) was a company engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).

IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to causing Plaintiffs telephone to ring repeatedly or

1 continuously with intent to harass, annoy or abuse Plaintiff, including contacting
2 Plaintiff over 5 times in a single day during the month of January and continuing
3 to contact Plaintiff regularly over the course of several months despite having
4 been told that Plaintiff does not owe the debt and has no intent of paying the debt
5 (§ 1692d(5)).
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9 8. Defendant's aforementioned activities, set out in paragraph 8, also
10 constitute an intentional intrusion into Plaintiff's private places and into private
11 matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable
12 person. With respect to the setting that was the target of Defendant's intrusions,
13 Plaintiff had a subjective expectation of privacy that was objectively reasonable
14 under the circumstances.
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17 9. As a result of Defendant's behavior, detailed above, Plaintiff
18 suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,
19 embarrassment, mental anguish and emotional distress.
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22 **COUNT I: VIOLATION OF FAIR DEBT**
23 **COLLECTION PRACTICES ACT**

24 10. Plaintiff reincorporates by reference all of the preceding paragraphs.
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PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY
ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON
CONSUMER PROTECTION ACT**

11. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages;
- B. Discretionary Treble Damages;
- C. Costs and reasonable attorney's fees,
- D. For such other and further relief as may be just and proper.

COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION

12. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages
- B. Punitive Damages; and,
- C. For such other and further relief as may be just and proper.

Respectfully submitted this 21st day of July, 2009.

s/Jon N. Robbins
Jon N. Robbins
WEISBERG & MEYERS, LLC
Attorney for Plaintiff